

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
BRANDON ANTHONY GONZALEZ,

Plaintiff,

-against-

METROPOLITAN FOODS INC AND JOHN DOE,
fictitious name as true name is unknown to the plaintiff at
this time,

Defendants.
-----X

Index No.:

Date Purchased:

SUMMONS

Plaintiff designates Bronx
County as the place of trial.

The basis of venue is:
Plaintiff's residence

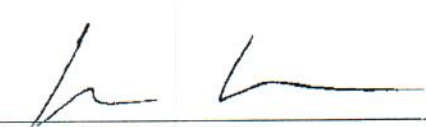
Plaintiff resides at:
2311 Southern Blvd
Bronx, NY 10460

County of Bronx.

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance day of service, where service is made by delivery upon you personally within the state, or, within 30 on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York
September 2, 2021


AKIVA OFSHEIN, ESQ
OFSHEIN LAW FIRM, P. C.
Attorneys for Plaintiff(s)
BRANDON ANTHONY GONZALEZ
15 Bay 29th Street, 2nd Floor
Brooklyn, New York 11214
(718) 455-5252
Our File No. 21MVX7604

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 09/03/2021

TO:

METROPOLITAN FOODS INC.
174 Delawanna Ave
Clifton, NJ 07014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:
Date Purchased:

-----X
BRANDON ANTHONY GONZALEZ,

VERIFIED COMPLAINT

Plaintiff,

-against-

METROPOLITAN FOODS INC AND JOHN DOE,
fictitious name as true name is unknown to the plaintiff at
this time,

Defendants.

-----X

Plaintiff, BRANDON ANTHONY GONZALEZ, by his attorneys, OFSHTEIN LAW FIRM,
P. C., complaining of the Defendants, METROPOLITAN FOODS INC and JOHN DOE, fictitious
name as true name is unknown to the plaintiff at this time, respectfully alleges, upon information and
belief:

1. At all times herein mentioned, Plaintiff, BRANDON ANTHONY GONZALEZ, was
and still is a resident of the County of Bronx, City and State of New York.
2. At all times herein mentioned, Defendant, JOHN DOE, was and still is a resident of
the County of Unknown, City and State of Unknown.
3. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was
and still is a domestic corporation duly organized and existing under and by virtue of the laws of
the State of New Jersey, with a principal office in Passaic County.
4. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was
and still is a professional corporation duly organized and existing under and by virtue of the laws

of the State of New Jersey, with a principal office in Passaic County.

5. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was and still is a duly authorized foreign corporation doing business in the State of New York.

6. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was and still is a duly authorized foreign corporation transacting business in the State of New York.

7. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC does and/or solicits business within the State of New York.

8. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC derives substantial revenue from goods used or consumed or services rendered in the State of New York.

9. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC expected or reasonably should have expected its acts and business activities to have consequences within the State of New York

10. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC derives substantial revenues from interstate or international commerce.

11. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was and still is a domestic limited liability company duly organized and existing under and by virtue of the laws of the State of New York.

12. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was and still is a duly authorized foreign limited liability company duly organized and existing under and by virtue of the laws of the State of New York.

13. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was and still is a duly organized general partnership existing and doing business under and by virtue of the laws of the State of New York.

14. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was and still is a duly organized limited partnership existing and doing business under and by virtue of the laws of the State of New York.

15. At all times herein mentioned, Defendant, METROPOLITAN FOODS INC was and still a duly organized proprietorship existing and doing business under the laws of the State of New York.

16. That on March 22, 2021, Defendant, METROPOLITAN FOODS INC was the registered owner of a certain, motor vehicle bearing State of New Jersey registration number At451A.

17. That on March 22, 2021, Defendant, METROPOLITAN FOODS INC, was the lessor of a certain, motor vehicle bearing State of New Jersey registration number At451A.

18. That on March 22, 2021, Defendant, METROPOLITAN FOODS INC, was the lessee of a certain, motor vehicle bearing State of New Jersey registration number At451A.

19. That on March 22, 2021, Defendant, JOHN DOE, was the operator of a certain, motor vehicle bearing State of New Jersey registration number At451A.

20. That on March 22, 2021, Defendant, JOHN DOE, was controlling the certain, motor vehicle bearing State of New Jersey registration number At451A.

21. That on March 22, 2021, Defendant, JOHN DOE, was controlling the certain, motor vehicle bearing State of New Jersey registration number At451A.
22. That on March 22, 2021, Defendant, JOHN DOE, was operating and controlling the certain, motor vehicle bearing State of New Jersey registration number At451A, on Jerome Avenue, Bronx, New York.
23. That on March 22, 2021, Defendant, JOHN DOE, was operating and controlling the certain, motor vehicle bearing State of New York registration number T726232C, within the scope of his employment.
24. At the aforesaid date and place, Plaintiff, BRANDON ANTHONY GONZALEZ, was lawfully operating a 2013 BMW, motor vehicle bearing State of New Jersey temporary registration number, when defendants' motor vehicle forcibly, without warning struck the plaintiff's vehicle at the aforementioned location.
25. That as a result of the aforesaid contact, Plaintiff, BRANDON ANTHONY GONZALEZ, was injured.
26. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.
27. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants was otherwise negligent, careless and reckless under the circumstances then and there prevailing.
28. That by reason of the foregoing, Plaintiff, BRANDON ANTHONY GONZALEZ, sustained severe and permanent personal injuries and was otherwise damaged.

29. That Plaintiff, BRANDON ANTHONY GONZALEZ, sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

30. That Plaintiff, BRANDON ANTHONY GONZALEZ, sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

31. That Plaintiff, BRANDON ANTHONY GONZALEZ, is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault insurance under the facts and circumstances in this action.

32. That this action falls within one or more of the exceptions set forth in CPLR §1602.

33. That by reason of the foregoing, Plaintiff, BRANDON ANTHONY GONZALEZ, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, BRANDON ANTHONY GONZALEZ, demands judgment against the Defendants, METROPOLITAN FOODS INC and JOHN DOE, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

ATTORNEY VERIFICATION

The undersigned, an attorney admitted to practice in the Courts of New York State, states that I am the attorney of record for the Plaintiff, BRANDON ANTHONY GONZALEZ, in the within action; I have read the foregoing, VERIFIED SUMMONS AND COMPLAINT, and know the contents thereof; the same is true to my own knowledge, except as to the matters stated to be alleged on information and belief, and as to those matters I believe same to be true. This verification is made by affirmant because the above-named plaintiff is not within and/or does not maintain a principle place of business in the County of Kings, wherein this office is located. The grounds of belief as to all matters not stated upon personal knowledge are information contained in the office file, investigation and/or conversations with the above-named plaintiff.

I affirm the foregoing statement is true, under the penalty of perjury.

Dated: Brooklyn, New York
September 3, 2021



AKIVA OFSHTEN, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:

BRANDON ANTHONY,

Plaintiffs,

-against-

METROPOLITAN FOODS INC AND JOHN DOE, fictitious name as true name is unknown to the plaintiff at this time,

Defendants,

SUMMONS AND VERIFIED COMPLAINT

OFSHTEIN LAW FIRM PC
Attorneys for Plaintiff
15 Bay 29th Street, 2nd Floor
Brooklyn, New York 11214
718.455-5252

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney duly admitted to practice law before the Court of State of New York, certifies that, upon information and belief and reasonable inquiry, the contention contained in an annexed hereto document are not frivolous.

Dated:

Signature _____

Name: _____

Service of a copy of the within is hereby admitted.

Dated:

Attorneys for Plaintiff

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on ,20

☐ NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon. one of
the judges of the within named Court, at on 201__ at M.